

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1959

No. 154

MANUEL D. TALLEY,

Petitioner.

PEOPLE OF THE STATE OF CALIFORNIA

ON WRIT OF CERTIORARI TO THE APPELLATE DEPARTMENT OF THE
SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR
THE COUNTY OF LOS ANGELES

PETITIONER'S REPLY BRIEF

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I

While Freedom of Speech Is Not Absolute, It Is Nonetheless So Fundamental and Indispensable to Ordered Liberty that It May Not Be Abridged by State Action Save When Government Is Confronted by a Serious and Substantial Evil to Other Basic Rights of Individuals

(Replying to Point I-A of Respondent's Brief, pp. 4-7)

While petitioner certainly does not claim for speech a perfect immunity from state action, nevertheless, it cannot be gainsaid that freedom of speech and press are absolutely

indispensable to a democratic society (*Thornhill v. Alabama*, 310 U.S. 88, 95). Inevitably, however, the question arises as to where and how to draw the line between liberty and the police power.

In a highly complex, nuclear age, state action tends toward paths of least resistance. Police power exercised to assuage popular opinion and appease national emotions, is far easier to justify than the often conflicting abstract concepts which maintain the dignity of the individual. But though the rationale underlying the First Amendment may be more difficult to explain to a society apprehensive about its national security, the fact remains that the shortest route to totalitarianism is through the arbitrary abridgement of the Bill of Rights.

Freedom of speech and press, therefore, rank as fundamental rights precisely because they are the touchstone of free and democratic institutions. It follows that these basic rights must occupy a preferred position if they are to safeguard liberty and human dignity against the stealthy encroachments of state action.

Accordingly, it is the character of the *right*—rather than the *limitation*—which determines where and how the line shall be drawn.

Now, in hewing a line of constitutional state action, respondents *concede* that the state may not:

- 1) Interfere with circulation of the press (Resp. Br. p. 4), and
- 2) License or censor the press (Resp. Br. p. 5).

This *concession* is important, because the broad, unlimited ordinance at bar—punishing *all* anonymous speech, under *all* circumstances and at all places—obviously tends to “interfere with circulation”, and to “censor”. Espe-

cially is this so where the author resorts to anonymity because advocating ideas in a hostile community.

Respondent, on the other hand, stresses that the boundaries of lawful speech stop at "fighting words" and "obscene expressions" (Resp. Br. p. 6). They correctly point out that such speech "can be reasonably restricted as to time, place and manner" (Resp. Br. p. 7).

But that is precisely the vice of this ordinance. It is *not* limited to "fighting words", or to "obscene expressions". Nor is it narrowly drawn as to "time, place and manner." On the contrary, it is phrased to encompass *all* speech, including speech normally protected from state infringement.

Again, at p. 7 of its brief, the City *admits* that the distribution of non-commercial handbills is a constitutionally protected right. It follows, of course, that the sweeping, unqualified limitation on the exercise of that right abridges the First Amendment to the United States Constitution, speaking through the Fourteenth. (*Thornhill v. Alabama*, 310 U.S. 88).

II

The Circulation of Anonymous or Pseudonymous Leaflets Is Protected by the First Amendment

(Reply to Point I-A of Respondent's Brief, at pp. 8-13)

Respondent makes the startling suggestion that because the First Amendment is silent on the use of anonymous expression, it is thereby left unprotected (Resp. Br. pp. 8-9). By the same logic, it may also be observed that the First Amendment does not exclude "obscene" speech or "fighting words" from its ambit. This reasoning would then make it rather difficult to explain how this Court held

such speech was unprotected in *Roth v. United States*, 354 U.S. 476 and *Chaplinsky v. New Hampshire*, 315 U.S. 568.

It does not become simply a question of whether "anonymity", or "circulation", or "intent", fit within the "constitutional scheme" of free expression. Some times—as in *N.A.A.C.P. v. Alabama*, 357 U.S. 449, freedom of speech, press and assembly may be lost or impaired if anonymity is not protected. Therefore, if speech will be abridged without these other elements, the latter must then be protected in order to preserve speech (Compare: *Lorrell v. Griffin*, 303 U.S. 444; *Thomas v. Collins*, 323 U.S. 516; *Winters v. New York*, 333 U.S. 507; *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123, 141; *Smith v. California*, 28 L.W. 4033 [decided Dec. 14, 1959]).

Respondent relies (at p. 9 of its brief) on a dissenting opinion in *Thomas v. Collins*, supra, for the proposition that a state statute requiring identification of a labor organizer as a condition for soliciting membership was not unconstitutional. Of course, the majority opinion in that case took just the opposite view.¹

If one has the right to convey ideas, he retains the right to do so under conditions which he deems appropriate to the circumstances (*Martin v. Struthers*, 319 U.S. 141, at pp. 141, 148). Government cannot impose that choice upon him without thereby censoring or inhibiting expression. To tell a Negro that he can circulate, in an all-white neighborhood, a leaflet calling for integration in housing, employment or schools only if he puts his name to it may very well bring upon him economic, social or even physical re-
crimination (See: *N.A.A.C.P. v. Alabama*, supra, at p. 462; Petitioner's opening brief, pp. 21-25).² It is not enough

¹ And see the amicus curiae Brief of the United States Solicitor General filed with this Court in that case.

² And see Appendix, attached to this Brief.

to say that Los Angeles has no statute which punishes such speech, when in fact it is known or expected that punishment will be suffered at the hands of private groups hostile to those ideas. (*N.A.A.C.P. v. Alabama*, supra, at pp. 462-463; *Watkins v. United States*, 354 U.S. 178, 198; *Emspak v. United States*, 349 U.S. 490, 495).

Respondents accept this view, and go on to say of the N.A.A.C.P. case:

"No question can be raised concerning the substantial detriment to those on the membership rolls in the State of Alabama. Totally unjustifiable hardships would arise, however, [sic] the immunity granted did not extend to agents or employees." (Resp. Br. p. 19).

Since the material and statements in petitioner's opening brief concerning racial strife and violence in Los Angeles is uncontroverted, it would appear from the foregoing quotation in respondent's brief that the City is virtually conceding error. On the other hand, respondent's own quotation from *New York ex rel. Bryant v. Zimmerman* (278 U.S. 62), shows that the Ku Klux Klan was undeniably then engaged in acts of violence, which is not only unprotected, but which the state has the right to and duty to suppress.

The statutory requirement of disclosure as a condition for using second class mailing privileges is not in point here for several reasons. For one thing, Congress is there exercising its postal powers, expressly conferred by the United States Constitution. Since Congress could abolish secondary mailing privileges altogether, it retains broad powers to impose conditions on the use of that privilege (*Lewis Publishing Co. v. Morgan*, 229 U.S. 288). But it is very doubtful that Congress could provide that *all* mail

ing must be signed (See: *Lewis Publishing Co. v. Morgan*, supra).

Moreover, if the reader is entitled to know the identity of the publisher or stockholders of a newspaper, which, after all, is a private, commercial enterprise for profit, it is because as a taxpayer he is heavily subsidizing its dissemination of information by second class mail.

Besides, even though newspapers bear the names of the editor and publisher, they carry anonymous articles and letters, so that speech is not seriously impaired. However, the ordinance at bar touches *everyone* who publishes or distributes leaflets anonymously anywhere.

The lobbying and corrupt practices acts to which respondent alludes (pp. 1013) are special statutes, narrowly drawn for particular areas.³ Their function is essentially to preserve the purity of the legislative and electoral process. In other words, while the elimination of anonymity puts some limitation on speech, it also purports to preserve basic democratic freedoms.⁴

³ *United States v. Harris*, 347 U.S. 612, relied on by Respondent (Resp. Br. 11), upheld the Federal Registration Lobbying Act on narrow grounds: first, because it was aimed directly at a specific evil; and, secondly, in order to avoid violating the constitutional guarantee of freedom of speech and press, this Court held that the Act applied only to direct contact with members of Congress, and not to the usual media of speech and press. (Citing *United States v. Rumely*, 345 U.S. 41).

The instant ordinance is clearly directed at, and sweeps within its ambit, all method of communication, to all persons, anywhere in the City of Los Angeles where the means of communication is the handbill—traditionally, the poor man's newspaper.

⁴ It is to be noted, however, that in the *Minnesota* (*Olson v. Billberg*, 151 N.W. 550 and *Hanley v. Wallace*, 163 N.W. 127) and *Florida* (*Ex Parte Hawthorne*, 156 So. 619) cases cited in respondent's brief at p. 12, the question of anonymity was not at all at issue. The rulings in the *Minnesota* cases turned on the question of whether the statements made by or in behalf of one candidate about the other were false, and substantially affected the election. In the *Florida* decision the court held the statute inapplicable to a radio "campaign" speech given within 18 days of the election. Likewise, the *Kansas* and *Pennsylvania* statutes were

But the ordinance here, limiting *all* speech, under all circumstances, can make no such claim.

III

The Municipal Ordinance at Bar Does Not on Its Face or as Construed Deal with a Serious and Substantial Evil Such as Would Justify an Infringement of Lawful Speech

(Replying to Point I-B of Respondent's Brief at pp. 14-17)

Respondent contends that Los Angeles Municipal Code Section 28.06 is designed to abolish fraud, deceit, false advertising, negligent speech, obscenity and libel (Resp. Br. p. 14). Yet, nowhere does the ordinance declare this as its objective, nor is it preceded by legislative findings of necessity for encroaching on protected liberties. And it is obvious from the record at bar that the arresting officers did not deem themselves limited to such objectives in enforcing the ordinance. Because Section 28.06 is so broad that it covers even lawful speech, we do not see how a court can be expected to *infer* from its mere enactment the existence of a

intentionally destined to aim at libelous character assassination of political candidates (*State v. Freeman* [1936], 143 Kan. 315, 55 P. 2d 362; *Commonwealth v. Lyons* [1944], 156 Pa. Super. 321, 40 A. 2d 137). The Ohio statute, in *State v. Pabst* [1922], 104 Ohio St. 167, 135 N.E. 525) was also limited to circulars or advertisements which *tended to defeat candidates for public office or constitutional amendment*. It may be noted in all three of these last mentioned statutes, incidentally, that the identities of the distributor or author were not required, but rather the identities of the chairman or other officers of the issuing organization, or some responsible voter, were required therefor.

⁵ The petitioner urged, in the court below; in oral argument, that the leaflets distributed in the instant case complied with the requirements of the ordinance; and that the California courts construed the ordinance, in order to save it from unconstitutionality, as permitting the distribution of leaflets in issue. The California courts rejected this contention and construed the ordinance as applicable to the leaflets herein.

serious and substantial evil warranting an infringement of liberty. Else, how would any constitutional right be safe from legislative abuse.

As for the whole business of protecting the public from "libel" or "invasions of privacy", the short answer is that the ordinance at bar is not so limited. The First Amendment cannot be bridged by careless draftsmanship; nor can salutary goals excuse the needless loss of liberty.

Respondent's argument (at pp. 16-17) presupposes that anonymous works are socially useless—even harmful *per se*—and that it is better for speech if it is tagged and labelled like peas and garments.

As petitioner pointed out in his opening brief, some of the practical and historical usages of anonymity were, and still are, to put forward ideas on their own merit, to encourage communication, or even, as here, to foster the belief that an idea has wide-spread support.⁶

We are fortunate that ours is not a totalitarian system where anonymity is essential to unorthodox communication. But as respondent itself recognizes (pp. 9-10), there are times, places and circumstances in the United States in which anonymity is a prudent condition for the exercise of lawful, albeit controversial, speech.⁷

⁶ Petitioner's opening brief, pp. 17-22.

⁷ See petitioner's opening brief, pp. 22-25. Compare: *N.A.A.C.P. v. Alabama*, 357 U.S. 449; *Watkins v. United States*, 354 U.S. 178; dissenting opinion of Justice Black in *Barenblatt v. United States*, 360 U.S. 109, 134, 156-159.

IV

**Petitioner's Leaflet Is Protected by the First Amendment
Whether He Be the Distributor or the Author, and Hence
the Ordinance as Applied to Petitioner Is an Unconstitu-
tional Deprivation of His Liberty and Property Without
Due Process of Law.**

(Replying to Point I-C of Respondent's Brief, at pp. 17-18)

Respondent seeks to put petitioner in the shoes of a distributor, in which status, it is contended, he cannot claim the protection which the First Amendment gives to anonymous writings (Resp. Br. pp. 17-18).

Furthermore, the desirability of a label as "evidentiary value and autoptic proference" is essentially a judgment matter for the speaker as much as for the reader. If one chooses to broadcast his ideas anonymously, he does so knowing the absence of his name may cast doubts on their validity. But the choice—whether exercised wisely or not—is still his. That, after all, is the meaning of a free society. If the state takes away the freedom to make that decision—at all times, places and circumstances—it is censoring and licensing speech no less than if it sought to punish the speech directly.

We do not believe the record permits an inference that the petitioner is not the author of the leaflets at bar; nor is it illogical to assume that he, in fact, wrote them. But, in any event, the distinction is irrelevant, for

" . . . without the circulation, the publication would be of little value." (*Ex parte Jackson*, 96 U. S. 727, 733; *Lovell v. City of Griffin*, 303 U.S. 444, 452).

If a distributor cannot assert the liberty of anonymity, then no one can, and that freedom is lost for all practical purposes. However, this Court has consistently rejected the contention that only the party directly injured can claim constitutional protection.

As recently as last December, this Court upheld the claims of a book-seller to freedom of circulation of press and of speech (*Smith v. California*, 28 L.W. 4033 (decided Dec. 14, 1959)). Manifestly, Smith was asserting *societal* rights in these freedoms which were appropriate for him to assert.

In *Pierce v. Society of Sisters*, 268 U.S. 510, the rights of "present and prospective patrons of schools" were successfully asserted by a plaintiff school.

Barrows v. Jackson, 346 U.S. 249, involved a defendant who invoked the rights of Negro buyers of real property to defeat a damage suit alleging he had breached a restricted covenant.

And in *N.A.A.C.P. v. Alabama*,⁵ supra, of course, an organization was held entitled to assert the right of its members to remain anonymous.

It is clear, therefore, that if anonymity is entitled to protection, petitioner has the right to claim it. Particularly is this so since he is being punished for the non-disclosure.

**The Ordinance at Bar Is an Arbitrary Classification Which
Violates the Equal Protection Clause of the Fourteenth
Amendment**

(Replying to Point II of Respondent's Brief, at pp. 18-20)

There is little petitioner can add to his opening brief on this point other than to stress the unfair and unreasonable distinctions which the ordinance makes between commercial pornography or libel bound in hard cover, and lawful expression, poorly financed. It does not follow as respondent seems to suggest (p. 20), that the cheapness of the means of communication renders it the more susceptible to abuse. If that is the rationale underlying the ordinance, then it is obviously unconstitutional.

Conclusion

The judgment should be reversed.

Respectfully submitted,

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APPENDIX

Acts of violence, against members of racial minority groups, in Los Angeles County, due to racial tensions, described in Reports of the Commission on Human Relations of the County of Los Angeles.*

Some of these official reports have heretofore been referred to in our Opening Brief, at footnotes 24, 25, 27, 34, 35, 40 and heretofore lodged with the Clerk of this Court, for the convenience of this Court.

Concurrently with the filing of this Reply Brief, there is lodged with the Clerk, the most recent Report of the Commission, entitled "Special Incidents of Tension or Potential Tension by Supervisorial Districts".

I

The ordinance which established the Commission contained findings of fact and declarations of policy which are as follows:

"The Board of Supervisors finds that racial tension and conflict contribute substantially to the creation of juvenile delinquency and adult crime; that prejudice, intolerance and discrimination against any individual or group because of race, religion, national origin or cultural background promote tension and conflict; that such prejudice, discrimination, tension and conflict are, therefore, a menace to peace and public welfare; that to eliminate such prejudice and intolerance and thereby promote public health, welfare and security, an instrumentality should be established through which practices to achieve better human relations can be provided, and private persons and groups may be officially assisted in promoting good will and better relations among all people."

* The Commission, an official agency of the County of Los Angeles, was appointed by the Los Angeles County Board of Supervisors pursuant to Los Angeles County Ordinance No. 7425, referred to in footnote No. 6, page 14, Petitioner's Opening Brief, adopted May 19, 1942 (erroneously cited as having been adopted December 13, 1959).

II

The most recent report of the Commission, entitled "Special Incidents . . ." etc., *supra*, contains the following examples of situations where violence has resulted from community tensions:

"During the months of October and November, 1958, an extremely serious and dangerous situation developed in the community of Bassett. A Negro school teacher and his family bought a home in that community, and tensions developed to the point where more than 150 persons, forming a mob, appeared before the Negro owner's home in an attempt to coerce and intimidate him out of the neighborhood. Action on the part of the Sheriff's Department, and subsequent action by a group of citizens organized by the Commission's staff, prevented serious conflict from ensuing. (p. 1)

.....

"In February, 1959, the Sheriff's Department reported two attempted arson cases against two separate houses located in the community of Duarte. From the investigation conducted by the Sheriff's Department and by a member of the staff of the Commission, it would appear that these incidents were related to the fact that a report had been made in the community that the homes involved were being shown to Negro persons who were interested in purchasing them.

..... (p. 1)

"In August, 1958, the home of a Negro man in the Hollywood Hills area was damaged, allegedly by a neighbor who resented his presence in the community. The Commission staff held meetings with interested persons in the area, with a view of changing attitudes towards the entry of the minority group

person into that community. The situation is now relieved and quiet.

..* * * (p. 2)

"On January 31, 1959, the Los Angeles County Sheriff's Department reported that a cross had been burned on the grass in the front of a house occupied by a Negro, located at 1230 West 91st Street. No prosecution was involved. The neighborhood is about 90% Caucasian and less than 10% Negro. The Sheriff's Department indicated that they would continue their investigation in order to determine, if possible, who had set fire to the cross and why.

..* * * (p. 2)

"In July, 1959, this office received a report of several incidents of property damage inflicted upon the home of a Negro physician and his wife in the View Park area: . . .

"The home of a Negro physician located in the View Park area of Los Angeles has, for the past several week-ends, been the subject of an egg-throwing attack by unidentified parties in the community. During the latter part of October, 1959, someone slipped into this physician's home and smashed several eggs inside his grand piano. The following week-end, eggs were smashed against the rear of his home, and it is reported that if the attacks continue it will be necessary for the owner to repaint his \$60,000 home because of the damage that has been done to it by the egg attack. It is reported, also, that the homes of several Negro persons in this area have had the same kind of treatment over the last several months. This situation, of course, has caused serious tension in the community, with some of the Negro residents fearful lest eggs change to stones and stones to bullets.

..* * * (p. 3)

"On November 23, 1959, this office received a report from the Los Angeles County Sheriff's Office that a cross, wrapped in kerosene soaked rags, had been burned in front of a home in the south-east section of Los Angeles on or about the evening of November 15, 1959. The home is owned by a Negro. The immediate neighborhood is predominantly Caucasian. A similar incident occurred at this home in early 1958. A further investigation is being carried out. (p. 4)

...

"A Negro family, moving for the first time into the City of Compton into a home they had just purchased, were menaced and threatened by a mob of white neighbors, to the extent that they reloaded their moving van that had just brought their personal effects, and returned to an apartment in Los Angeles that they had just vacated. It is reported that all the windows in the front of the house - some nine in number - and three windows in the rear of the house, were smashed the night the family returned to their apartment. This family feels that it has been intimidated severely, and have decided that they would not move into the house because of a fear for their personal safety. (p. 6)

...

"A severe tension situation developed almost simultaneously in the Pacoima and the Northridge areas. These two incidents were related to each other. It seems that a Caucasian who owned a home in Pacoima sold it to a Negro, and bought a new home for himself in Northridge. A group of his former neighbors in Pacoima - some sixty in number, and one reportedly armed with a rifle - visited his home en masse one Sunday afternoon in August to intimidate and coerce him in connection with the sale of his house in Pacoima to this Negro family. The police had to be called in order to disperse this mob. (P. 8)

...

"At the same time that the above was occurring, a series of incidents began to happen to the Negro family that had bought the home in Pacoima. Telephone calls, with threats of coercion and intimidation, were received. Since that time in the middle of August until the present date, some forty or fifty separate incidents involving annoyance and malicious mischief have been perpetrated on this family in Pacoima. Because of what has happened to this family, a great deal of tension has been generated in the Pacoima community, particularly on the part of the Negro residents, who feel that the annoyances against this one Negro family are in some respects related to the general attitude of Caucasians in that community with respect to the residence of Negroes in certain areas of the Pacoima community. The Commission staff has worked closely with the Pacoima Human Relations Committee in an attempt to lessen this tension. This situation has claimed the attention of staff on a continuing basis since last September. (p. 8)

"A tension situation was precipitated in Monrovia during the month of August, when a Negro family purchased and occupied a home in what had previously been an all-white neighborhood of better class residences. This home has been ransacked, and telephone calls of intimidation and coercion have been received by this family which, incidentally, consists of a mother and four children. Very recently, during the month of October, the home was ransacked again, and at this time one of the children of this mother living at home allegedly saw a Caucasian man in the house, armed with a rifle. It is reported by the Monrovia Human Relations Committee that the feelings and expressions on the part of both the Negro and the Caucasians in the area have ebbed and flowed, with some unfavorable attitudes being expressed toward each other. (p. 9)

"In November, 1959, a Negro widow and her twenty-year old son moved into a home on Brownridge Street in North Pasadena. She began receiving calls of threats and intimidation. Shortly thereafter, the hose in her front yard was turned on when she was away teaching at school, and flooded the place. Subsequent to this, the hose was cut. A few days later, the tires on her automobile were slashed and, on November 15, while she was away from home, someone slipped into her home by slashing through her screen door and set a fire in her bedroom closet. Only the fact that she had to return home unexpectedly prevented the home from going up in flames. Her entire wardrobe was lost. (p. 3)

... .

"In November, 1958, the owners of two automobile wash racks in Burbank received anonymous notes to the effect that if they did not discharge their Negro employees, their stations would be bombed. News items appeared in the local press on this matter, and a large section of the population of Burbank was rife with tension for more than a week. Such a situation reinforced the attitudes of those persons in that community who had long resisted the entry of minority group persons there. (p. 7)

... .

"Some few months ago prior to August, 1959—a Negro family moved into the Florencia Drive area of Altadena, and there were some subsequent acts of vandalism against the home they were building. Some time during the latter part of July or August, a second Negro family purchased a home in this general area. (p. 8)

... .

"As can be seen from the reports covering each of the five Supervisorial Districts, there have been some thirty incidents involving interracial tension and con-

dict over the past twelve month period. A rather close search of our records reveals the fact that there has been a growing number of incidents over the last several years, but that those occurring over the last twelve-month period represent more such incidents than have occurred in the previous three-year period combined. (p. 10)

"There is some question in the minds of the Commission and its staff as to how many of the incidents which occur actually come to our attention. A rather rough guess would be that we receive notification of no more than ten or fifteen per cent of the situations that develop in various places in the County. (p. 10)

"It should be stressed that we have received reports of other situations that have not been included in this report. We have attempted to include here only those situations in which actual violence or severe intimidation occurred, or were prevented from occurring due to the action of either members of the Commission staff, community persons with whom the staff worked, or police agencies. Every single Supervisorial District in the County has had some incidents over the last twelve-month period. It is apparent from this report, however, that a greater number of such occurrences are developing in the San Gabriel and the San Fernando Valleys than in any other areas of the County. It is probable that situations similar to those reported here will continue to develop in those areas in other suburban communities throughout the County as members of minority groups begin to disperse themselves more widely throughout the total community. (p. 10)

III

An Earlier 1959 Report (previously lodged with the Clerk) of the Commission revealed that:

- "1. Over the past year, we have dealt with incidents of tension in the following communities: Altadena (three incidents), Burbank, View Park, Glendale,

Temple City, Southwest Los Angeles, Southeast Los Angeles, Torrance, Hollywood, Monrovia, Northridge, Granada Hills, Long Beach, Bassett, Duarte, Compton, Pacoima, and Pasadena.

"It is important to stress the fact that these are not the only communities in which tensions and conflict took place. They were the only ones reported to the Commission in time to take some kind of action. The majority of these incidents occurred around the issue of members of minority groups moving into restrictive neighborhoods.

"Included in these incidents were two cases of mobs gathering to intimidate and coerce; four cases of rather extreme vandalism, two cross burning episodes, and two attempts at arson.

"There were more than forty situations of community tension and conflict handled by the Commission staff since the last annual report was made.

"2. . . .

"3. . . .

"4. . . . For the past twenty years, here in the Los Angeles areas, the Mexican-American and the Negro population have increased four or five times faster than the Anglo population. The total minority group population of Los Angeles County, including approximately 275,000 Jews and 70,000 Orientals, now approaches 1,500,000 persons—about 23% of the total County population. It appears as though this trend of the increasing percentage of minority group persons in the total metropolitan area will continue in the years to come."

IV

The results of such population changes in the opinion of the Commission is illustrated by the January 1959 Report of the Commission (on file with the Clerk).

" . . . To date, Los Angeles County has been fortunate in avoiding such extremes of segregation and

overcrowding, but if our minority populations continue to outstrip our total population in rate of growth, and if they are confined to certain segregated areas—either by custom or force—the same potentially explosive situation will develop that has led to rioting and violence in the East and South.”

V

Earlier incidents were reflected by the 1958 Report of the Commission (on file with the Clerk).

“Police protection of a rather protracted nature was required in one incident, after the home in which two Negro women were living had been stoned, and later subjected to a relatively mild explosive device called a ‘cherry bomb’. Usually such violent reaction to the ‘invasion’ of a neighborhood by a minority group person takes place in areas of relatively low or middle income groups. The incident referred to above, however, took place in an area of high priced homes—averaging from \$35,000 to \$75,000 in value.

... .

... .

“SOCIOLOGICAL IMPLICATIONS OF TODAY’S PROBLEMS

“The extent to which the problems outlined thus far reach into and exercise control over the day to day activities and behavior of the citizens in this County is difficult to exaggerate. It is plainly evident that discrimination and segregation in employment and housing deprive a large portion of the citizenry of its privileges as citizens in the American democracy. For this reason alone it becomes the concern of every American to change this pattern. Other by-products of discrimination are less evident, but equally as far-reaching and important. One such by-product is the tension and conflict that develops between different ethnic groups within the population as the result of one having a superior status and the other having an inferior status in the body politic.

"This tension and conflict is being reflected in a variety of ways. We have already called attention to tensions that have developed in certain areas of the County around the matter of housing. More serious, however, are the conflict situations that are reported between juvenile groups stemming, in part, from racial antagonisms, and in part from territorial antagonisms.

"Following is a listing of the various incidents of tension and or conflict stemming from all sources that have come to the attention of the Committee over the past twelve months period:

"Housing Incidents

"A. Los Angeles City

- "1. Protest meeting held by home owners when home was purchased in neighborhood by Negro family. No organized demonstration.
- "2. Demonstration by home owners. Destruction of property purchased by two Negro sisters in a 'high class' residential section.
- "3. 'Cherry bomb' was exploded in mail box of Negro home owners referred to under "2", causing approximately \$35.00 damage.
- "4. Community unrest, bordering on demonstration, in connection with a rumor that a second Negro family was about to purchase a home in the neighborhood.
- "5. A police agency reported concern over the possibility of trouble when a Negro family moved into a 'restricted' community.
- "6. A group of community persons held a meeting and planned possible group action against Negro family that purchased a home in the neighborhood. Later a fire mysteriously developed in the interior of this home, which was unoccupied at the time.

"B. Outside City of Los Angeles

- "1. Violent demonstration took place when Negro purchased home in area.
- "2. Three attempts at arson were made against homes at which prospective Negro buyers were looking.
- "3. Situation highly charged with tension developed when Negro professional man purchased a home in the area. This tension lasted for several days. No open conflict.
- "4. Report was received of tension developing in a suburban community when Japanese family moved into the neighborhood.
- "5. A cross-burning incident took place in an unincorporated area of the County. This cross was set on the property of a Negro family (one of three) that had lived in the community for seven years. There is some question as to whether or not this is a bona fide racial incident."

VI

Even earlier problems were reflected by the 1957 Report of the Commission (on file with the Clerk).

"In 1943, it became apparent to the Los Angeles County Board of Supervisors that a danger to the orderly growth and development of this community resided in the increasing tension then developing in several areas of the County based upon the differences that existed between the population so far as race, religion and culture were concerned. The Los Angeles County Commission on Human Relations was subsequently founded by the Board of Supervisors in order that planning for the purpose of preventing this type of conflict might be promoted.

" . . .

"Since 1950, the population of Negroes alone has increased in the City of Los Angeles by 48.8%—a per-

centage increase five times as great as the increase in the general population over a six-year period. One out of every three persons that has moved to or been born in the City of Los Angeles since 1950 has been a Negro. When we exclude from the general population growth in the City the persons of Negro, Oriental, Mexican-American and Jewish background, it is not hard to see that considerably more than half of the population increase has consisted of individuals who fall into the category of the so-called 'minority group.' "

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